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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,420	11/01/2001	Katharine Russell	05038.0007.NPUS00	3033

21971 7590 07/16/2007
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/001,420	Applicant(s) RUSSELL ET AL.	
	Examiner Andrew Joseph Rudy	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 6-24 is/are pending in the application.
- 4a) Of the above claim(s) 12-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-11 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The February 28, 2007 Amendment after Final has been entered. As previously noted from the May 22, 2007 Office Action, the November 20, 2006 Final rejection is vacated.
2. Applicant has cancelled claims 2, 3 and 5. Claims 12-18 remain withdrawn from consideration as drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

3. Claims 1, 4, 6-11 and 19-24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 1, 4, 9 "pet death, or pet death related transactions" is not clear as to its meaning.

Claim 1, line 12 "regarding or order pet death" is not clear as to its meaning.

Claim 19, line 17 "regarding or ordering pet-related services" is not clear as to its meaning.

Claim 21, line "the Internet" lacks antecedent basis.

Claim 21, line 2 "the passing" lacks antecedent basis and is not clear as to its meaning.

Claim 21, lines 2-3 "related to commemorate the passing of a pet" is not clear as to its meaning.

Claim Rejections - 35 USC § 103

4. Claims 1, 4, 6-11 and 19-24, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mindrum US 7,222,120 in view of Official Notice.

Mindrum discloses, e.g. cols. 1-7, conducting an on-line transaction comprising providing at least on computer server, e.g. Fig. 2, for use on the world wide web, where users may be provided a unique identification in creating an account, e.g. cols. 5-7, lines 59-45, and charging a fee for the services. Mindrum does not disclose the phrase conducting pet death, or pet related transactions nor regarding or ordering pet-related services or related to commemorate the passing of a pet. However, as understood, these are common within the funeral art. It is noted that Mindrum may be used with pets, e.g. cols. 3-4, lines 66-13. Mindrum apparently does not disclose from its provisional application where member/user accounts are charged for use of a web site. Official notice is taken that charging a member/user account for use of a web site has been common knowledge in the electronic world wide web database art. To have provided conducting pet death, or pet related transactions or ordering pet-related services or related to commemorate the passing of a pet for Mindrum would have been obvious to one of ordinary skill in the art in view of this common knowledge. Further, to have provided charging a member/user account for use of a web site form Mindrum would have been obvious to one of ordinary skill in the art in view of Official Notice.

5. A further reference of interest is noted on the attached PTO-892.

6. In view of the Appeal Brief filed on September 21, 2006, PROSECUTION IS
HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the
following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply
under 37 CFR 1.113 (if this Office action is final); or,

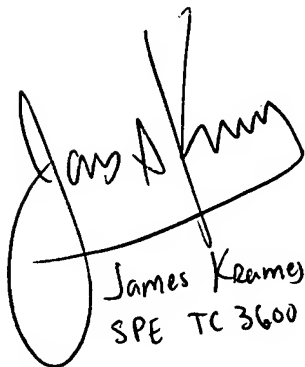
(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed
by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and
appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth
in 37 CFR 41.20 have been increased since they were previously paid, then appellant
must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by
signing below.

6. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-
272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Ryan M. Zeender can be reached on 571-272-6790. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



James Keamey
SPE TC 3600



Andrew Joseph Rudy
Primary Examiner
Art Unit 3627